THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 24529 of 2007

Date:19-11-2007

Between:

Bolla Anka Rao

...

Petitioner

AND

The R.D.O., Machilipatnam and another

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the 1st respondent in granting stay in Appeal Nos.SR/14/BDR/07 and No.SR/15/BDR/07 preferred by him on 06.11.2007 against the orders passed by the 2nd respondent in Rc.A.264/2007, dated 04.08.2007 in resuming the land in an extent of Ac.2.50 cents in Sy.No.163/2 and Ac.1.64 cents in Sy.No.163/1 in Batlapenumarru village, Movva madnal, Krishna District, as illegal and arbitrary and to direct the respondents and their subordinates not to dispossess him from the said lands.

It is the case of the petitioner that as against the resumption orders, dated 04.08.2007 passed by the Tahsildar, Movva in Rc.A.264/2007, dated 04.08.2007 in resuming the land in an extent of Ac.2.50 cents in Sy.No.163/2 and Ac.1.64 cents in Sy.No.163/1 in Batlapenumarru village, Movva madnal, Krishna District assigned in favour of Polisetti Madhav Rao and Devineni Bhimaiah which was purchased by the petitioner in contravention of provisions of sub-section (1) and (2) of Section 3 of the A.P. Assigned Land (Prohibition of Transfers) Act, 1977, the petitioner filed Appeal Nos.SR/14/BDR/07 and No.SR/15/BDR/07 on 06.11.2007 along with the stay applications before the first respondent/R.D.O. It is stated that even before the said appeals are considered and disposed of, the second respondent is trying to interfere with the possession of the land of the petitioner.

I am not inclined to express any opinion with regard to merits of the case.

Having regard to the facts of the case, the writ petition is disposed of directing the first respondent/R.D.O. to consider and dispose of the Appeal Nos.SR/14/BDR/07 and No.SR/15/BDR/07 preferred by the petitioner on 06.11.2007 against the orders passed by the 2nd respondent in Rc.A.264/2007, dated 04.08.2007 and pending disposal of the said appeals, the petitioner shall not be dispossessed from the said lands. No costs.

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V.ESWARAIAH, J.

Date:19.11.2007
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